

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NICHOLAS FITZGERALD, on behalf:
of himself and all others similarly
situated,

Plaintiff,

v.

**GANN LAW BOOKS, INC., GANN
LEGAL EDUCATION
FOUNDATION, INC. AND
MICHAEL PROTZEL,**

Defendants.

Civil Action No.: 11-4287(KM)(MCA)

**DECLARATION OF
MICHAEL PROTZEL**

MICHAEL PROTZEL, of full age, declares pursuant to 28 U.S.C. §1746 as follows:

1. I am the President of Defendant Gann Law Books, Inc. ("Gann"). I have personal knowledge of the facts contained in this Declaration.

2. I make this Declaration to advise the Court that defendants have complied with this Court's April 25, 2014 Order [ECF No. 85] conditionally approving the parties' Settlement Agreement, conditionally certifying the Settlement Agreement, ordering service of the notices attached as Exhibits B and C to the Settlement Agreement, *et cetera*.

3. On or before May 16, 2014, I caused to be sent by facsimile transmission to all Settlement Class members as defined in Section 6 of the Settlement Agreement the Summary Notice of Class Action Settlement, which was attached as Exhibit C to the Settlement Agreement, and approved in substantial form by the Court in its order dated April 25, 2014.

4. More specifically, Summary Notice of Class Action Settlement was sent to Settlement Class members by facsimile transmission to the 8,181 facsimile numbers referenced in Section 6 of the Settlement Agreement, which 8,181 facsimile numbers correspond to the Settlement Class members.


5. Out of the 8,181 facsimiles that were sent, I received 6,295 confirmations that the transmissions were completed. For those numbers that I did not receive confirmation that the transmissions were completed after a second attempt, I made a reasonable effort to determine whether Gann's records contain a mailing address associated with those facsimile numbers. To the extent that Gann had such mailing addresses, I, through counsel, provided the addresses to the Claims Administrator on June 6, 2014, after counsel notified the Claims Administrator of the facsimile numbers to which the Summary Notice of Class Action Settlement were unsuccessfully sent.

6. The addresses were provided to the Claims Administrator so that the Claims Administrator could send the Summary Notice of Class Action Settlement by first-class mail to all such mailing addresses within five days after receiving them from Gann, in compliance with the terms of the Settlement Agreement.

7. The notice attached as Exhibit B (the Long Form Class Notice) was made available to all Settlement Class members at www.gannclassaction.com.

I declare under penalty of perjury that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: September 18, 2014



Michael Protzel